

**NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT
AND MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE
RULES. See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24.**

FILED BY CLERK

AUG 21 2009

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,)	
)	2 CA-CR 2009-0031
Appellee,)	DEPARTMENT B
)	
v.)	<u>MEMORANDUM DECISION</u>
)	Not for Publication
BRUCE TYRONE STOCKER, JR.,)	Rule 111, Rules of
)	the Supreme Court
Appellant.)	
_____)	

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR-20071715

Honorable John S. Leonardo, Judge

AFFIRMED

Dicampli, Elsberry & Hunley, LLC
By Anne Elsberry

Tucson
Attorneys for Appellant

E C K E R S T R O M, Presiding Judge.

¶1 After a jury trial,¹ appellant Bruce Stocker was convicted of aggravated driving under the influence of an intoxicant (DUI) while his driver's license was suspended,

¹Stocker's first trial ended in a mistrial after the jury failed to reach a verdict.

canceled, revoked, refused, or restricted; aggravated driving with an alcohol concentration (AC) of .08 or more while his driver's license was suspended, canceled, revoked, refused, or restricted; aggravated DUI with two or more prior DUI convictions; aggravated driving with an AC of .08 or more with two or more prior DUI convictions; criminal damage; and endangerment, all arising from an incident that took place while Stocker was on release and parole. Stocker admitted he had two prior felony convictions, and the trial court sentenced him to concurrent, presumptive prison terms, the longest of which was ten years, to be served concurrently to the sentence in another matter.

¶2 Counsel filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967); *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969); and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), stating she has conscientiously reviewed the record without finding any arguably meritorious issue for appeal. She asks us to search the record for fundamental error. Stocker has not filed a supplemental brief.

¶3 Viewed in the light most favorable to sustaining the verdicts, the evidence, which included the parties' stipulations that Stocker's driver's license had been revoked and suspended on the night in question, he had two prior DUI convictions, and his blood alcohol concentration was .275, sufficiently supported the guilty verdicts. *See State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999).

¶4 Pursuant to our obligation under *Anders*, we have searched the record for fundamental, reversible error and have found none. Therefore, we affirm Stocker's convictions and sentences.

PETER J. ECKERSTROM, Presiding Judge

CONCURRING:

J. WILLIAM BRAMMER, JR., Judge

PHILIP G. ESPINOSA, Judge